

REMARKS

In response to the Office Action dated 17 June 2005, Applicants request reconsideration and withdrawal of the rejections set forth in the Office Action in view of the following remarks.

Claim Rejections – 35 U.S.C. §103

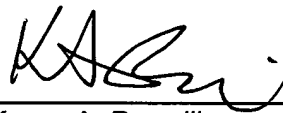
Claims 1-20 and 22 were rejected under 35 U.S.C. §103 (a) as being “unpatentable over Ross, III (U.S. 5,719,669) in view of Davis, (U.S. 5,828,446)” To properly maintain a rejection under 35 U.S.C. §103, the prior art must have suggested to those of ordinary skill in the art that they should make the claimed composition or device or carry out the claimed process, with a reasonable expectation of success. Both the suggestion and the reasonable expectation of success must be adequately founded in the prior art and not in the applicant’s disclosure. See *In re Vaeck*, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). Moreover, “[t]he references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention...” M.P.E.P. §2141.

Contrary to the Examiner’s suggestion there is no suggestion or teaching in Ross or Davis to combine their respective features. Any combination of these two references would only be obvious after the disclosure found in the present application. Such use of hindsight is not permissible. There is simply no suggestion to combine the system described in Ross with the camera in Davis. Hence, there cannot be a reasonable expectation of success. Accordingly, the named references cannot render the claims, as presently amended, obvious.

Applicants respectfully submit that with the above amendment to claim 1, the 103(a) rejection has been overcome and claims 1-20 and 22 are in condition for allowance. Applicants respectfully request reconsideration.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Rob Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



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